

No. 13238

---

---

United States  
Court of Appeals  
For the Ninth Circuit.

---

JOSEPH BOIS,

Appellant,

vs.

EDWIN B. SWOPE, Warden, United States Peni-  
tentiary, Alcatraz, California,

Appellee.

---

Transcript of Record

---

Appeal from the United States District Court for the  
Northern District of California,  
Southern Division.



No. 13238

---

United States  
Court of Appeals  
For the Ninth Circuit.

---

JOSEPH BOIS,

Appellant,

vs.

EDWIN B. SWOPE, Warden, United States Peni-  
tentiary, Alcatraz, California,

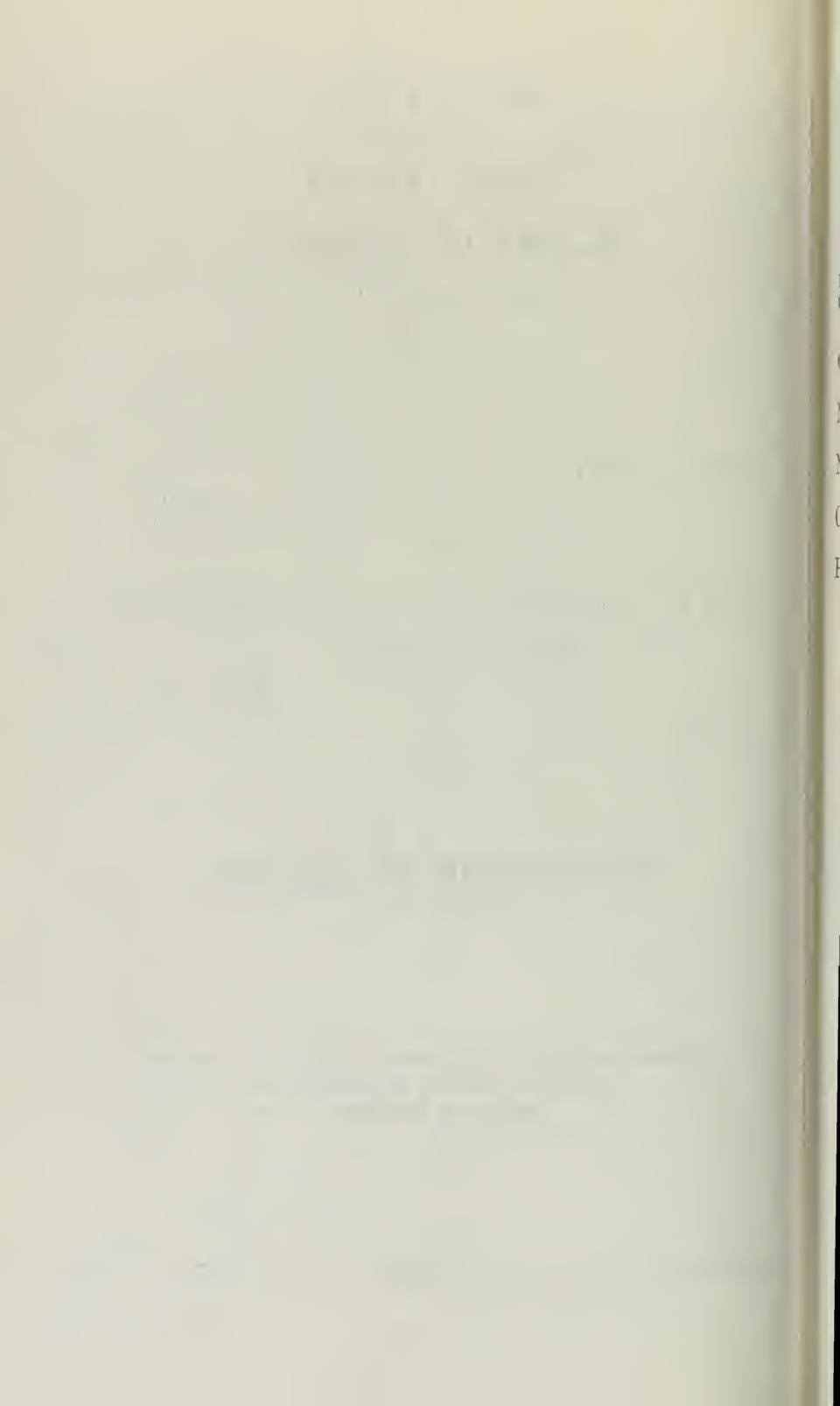
Appellee.

---

Transcript of Record

---

Appeal from the United States District Court for the  
Northern District of California,  
Southern Division.



## INDEX

---

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

	PAGE
Certificate of Clerk to Record on Appeal . . . . .	6
Names and Addresses of Attorneys . . . . .	1
Notice of Appeal . . . . .	6
Order Dismissing Petition for Writ . . . . .	5
Petition for Writ of Habeas Corpus . . . . .	3

Received of the Treasurer of the  
Board of Education the sum of  
\$100.00 for the year ending  
June 30, 1880.

Witness my hand and seal this  
10th day of July, 1880.

\_\_\_\_\_  
Superintendent of Schools

NAMES AND ADDRESSES OF ATTORNEYS

JOSEPH BOIS,  
Alcatraz, California,  
In Propria Persona,  
For Appellant.

CHAUNCEY TRAMUTOLO, ESQ.,  
United States Attorney,  
San Francisco, California,  
For Respondent and Appellee.





United States District Court, for the Northern  
District of California, Southern Division

No. 31007

JOSEPH BOIS,

Petitioner,

vs.

EDWIN B. SWOPE, Warden, United States Peni-  
tentiary, Alcatraz, California,

Respondent.

### PETITION FOR WRIT OF HABEAS CORPUS

The application of Joseph Bois, for a writ of habeas corpus shows unto the Court the following:

1. That he is a citizen of the United States and a resident of Connecticut, but is now unlawfully imprisoned by the Respondent by virtue of a judgment of conviction of the United States District Court for the Eastern District of Kentucky.

2. That his conviction was obtained in violation of rights secured and safeguarded by the Fifth and Sixth Amendments to the federal Constitution.

3. That he was duped and inveigled into waiving the right to the assistance of counsel by an agent of the Federal Bureau of Investigation.

4. That he was induced to enter a plea of guilty through misrepresentation and false promise on the part of an agent of the Federal Bureau of Investigation, who persuaded petitioner to plead guilty on the promise that he could and would get the State

of Connecticut to withdraw a warrant ledged against him.

5. That the said agent of the Federal Bureau of Investigation represented himself to be working in concert with the Assistant United States Attorney in the prosecution of petitioner's case.

6. That upon arrest on July 4, 1948, and at the time of trial August 4, 1948, petitioner was only 22 years of age and unlearned in law and inexperienced in the operation of Courts and the Federal Police System. Therefore, he was little more than putty in the hands of the prosecution authorities, whom, he had been taught from childhood, could do no wrong.

7. That petitioner was confined in the dungeon section of the Vanceburg Kentucky Jail for four (4) days before he was taken before the United States Commissioner, and it was under these circumstances he waived his right to the assistance of counsel and agreed to enter a plea of gulty.

Wherefore, Petitioner Prays:

1. That process issue directing the respondent to show cause why petitioner should not be released from his illegal imprisonment.

2. That a hearing be held to determine the issue's of fact arising out of the petition for writ of habeas corpus.

3. That upon final hearing, petitioner's application for writ of habeas corpus be sustained, and for

such further and other relief as the Court may deem just and proper.

/s/ JOSEPH BOIS,  
Petitioner.

Subscribed and sworn before me this 23rd day of Oct., 1951.

/s/ W. F. STUCKER.

Warden—Associate Warden authorized by the Act of February 11, 1938, to administer oaths.

Records at U. S. Penitentiary, Alcatraz, California, indicate that Joseph Bois is a citizen of the United States.

[Endorsed]: Filed November 7, 1951.

---

[Title of District Court and Cause.]

ORDER

Examination of the petition for a Writ of Habeas Corpus reveals that petitioner has failed to comply with the provisions of 28 U.S.C.A. 2255. Therefore the petition is at this time premature and must be dismissed.

It Is Ordered that the petition be and the same is hereby dismissed.

Dated November 9, 1951.

/s/ OLIVER J. CARTER,  
United States District Judge.

[Endorsed]: Filed November 9, 1951.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Joseph Bois, the petitioner herein, hereby duly appeals the order of the Honorable Oliver J. Carter of November 9, 1951, dismissing his application for a Writ of Habeas Corpus, above entitled, to the United States Court of Appeals, Ninth Circuit.

November 14, 1951.

/s/ JOSEPH BOIS,  
Petitioner-Appellant.

[Endorsed]: Filed November 29, 1951.

---

[Title of District Court and Cause.]

CERTIFICATE OF CLERK TO RECORD  
ON APPEAL

I, C. W. Calbreath, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing documents, listed below, are the originals filed in this Court in the above-entitled matter and that they constitute the record on appeal herein:

Petition for writ of habeas corpus.

Order dismissing petition for writ.

Notice of appeal.

In Witness Whereof I have hereunto set my hand

and affixed the seal of said District Court this 7th day of December, 1951.

[Seal] C. W. CALBREATH,  
Clerk,

By /s/ C. W. TAYLOR,  
Deputy Clerk.

---

[Endorsed]: No. 13238. United States Court of Appeals for the Ninth Circuit. Joseph Bois, Appellant, vs. Edwin B. Swope, Warden, United States Penitentiary, Alcatraz, California, Appellee. Transcript of Record. Appeal from the United States District Court, for the Northern District of California, Southern Division.

Filed January 21, 1952.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Court of Appeals for  
the Ninth Circuit.

1875

1876

1877

1878

1879

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1891

1892

1893

1894

1895

1896

1897

1898

1899

1900

1901

1902

1903

1904

1905

1906

1907

1908

1909

1910

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

1924

1925

1926

1927

1928

1929

1930

1931

1932

1933

1934

1935

1936

1937

1938

1939

1940

1941

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

1969

1970

1971

1972

1973

1974

1975

1976

1977

1978

1979

1980

1981

1982

1983

1984

1985

1986

1987

1988

1989

1990

1991

1992

1993

1994

1995

1996

1997

1998

1999

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

2010

2011

2012

2013

2014

2015

2016

2017

2018

2019

2020

2021

2022

2023

2024

2025

2026

2027

2028

2029

2030

2031

2032

2033

2034

2035

2036

2037

2038

2039

2040

2041

2042

2043

2044

2045

2046

2047

2048

2049

2050

2051

2052

2053

2054

2055

2056

2057

2058

2059

2060

2061

2062

2063

2064

2065

2066

2067

2068

2069

2070

2071

2072

2073

2074

2075

2076

2077

2078

2079

2080

2081

2082

2083

2084

2085

2086

2087

2088

2089

2090

2091

2092

2093

2094

2095

2096

2097

2098

2099

2100

2101

2102

2103

2104

2105

2106

2107

2108

2109

2110

2111

2112

2113

2114

2115

2116

2117

2118

2119

2120

2121

2122

2123

2124

2125

2126

2127

2128

2129

2130

2131

2132

2133

2134

2135

2136

2137

2138

2139

2140

2141

2142

2143

2144

2145

2146

2147

2148

2149

2150

2151

2152

2153

2154

2155

2156

2157

2158

2159

2160

2161

2162

2163

2164

2165

2166

2167

2168

2169

2170